

1987

TOM DELAY
220 DISTRICT, TEXAS
ASSISTANT REGIONAL WHIP
COMMITTEE ON
APPROPRIATIONS
SUBCOMMITTEES:
TRANSPORTATION
MILITARY CONSTRUCTION

1039 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5851

9000 SOUTHWEST FREEWAY, SUITE 205
HOUSTON, TX 77074
(713) 270-4000

500 NORTH CHENANGO STREET, SUITE 312
ANGLETON, TX 77515
(409) 649-4446

Congress of the United States
House of Representatives

Washington, DC 20515

May 12, 1987

Mr. Bob Casale

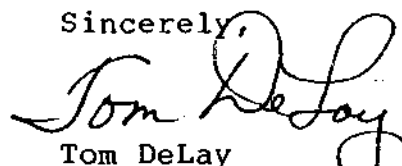
Dear Mr. Casale:

Enclosed you will find correspondence from the Army Corps of Engineers which is in response to the inquiry I made on your behalf.

You will find the letter self-explanatory.

I am still waiting for a reply from the Environmental Protection Agency in response to my inquiry. As soon as I hear from them, I will be back in touch with you.

Sincerely,


Tom DeLay
Member of Congress

TD/jt
Enclosure

T&E 000783

Revised 9/22/86

BOLDFACED ITEMS ARE REQUIRED

- ☒ Add
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INVESTIGATION FORM
Basic Information

DISTRIBUTION:
White - Region/Local Program
Canary - Keypunch/Region
Pink - Investigator/Keypunch

Account Number B4-0016H Account Name: Fish Engineering and Construction
Date of Investigation (as MMDDYY) 042487 Off Hours (Y or N) N
Investigator Staffcode LRP1
Primary Investigator Juriscode 07D Other Juriscode 1 --- Other Juriscode 2 ---
Site Name/Location: Freeport, Brazoria County

Investigation Information

Investigation Number 330175A
Related Previous Investigation Number ---
Situation Number --- (FOR COMPLIANCE DIVISION ONLY)
Federal Program (Y or N): NSPS N NESHAP N
*Investigation Type COSV In-House Investigation (Y or N) N **EPN ---
Comment No violation found. Complaint No. 070870139

*** FOR RECORDING REVIEWS OF COMPANY-SUBMITTED REPORTS ONLY ***

Date Test Conducted --- (as MMDDYY) Date Report Received ---

*Analysis Review Results ---

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Date Test Conducted --- (as MMDDYY) Date Report Received ---

*Analysis Review Results ---

*See Back for Valid Codes

**Enter EPN For Investigation Types Indicated On Back With An *

Investigator Signature: [Signature]

Date: 5/13/87

Approved By: [Signature]

Date: 6/21/87

Screen ID: IV1

Page 1 of 3 Pages

TACB Form # ACB-93

T&E 000701

Investigator's Comments
Fish Engineering and Construction, Inc.
Freeport, Brazoria County
Investigation No. 330175A

BL-0016-H
4/24/87
Page 3

Purpose: On April 24, 1987 complaint 070870139 was investigated. The complainant complained of sandblasting dust and chemical odors from barge cleaning operations at Fish Engineering and Construction, Incorporated.

Discussion: I arrived at this site at 11:00 a.m. on 4/24/87. The complainant was not at home but I had talked with him by phone earlier. He said that he had noticed some chemical type odors on 4/22/87 from barge cleaning operations on 4/22/87 but was mainly disturbed about sandblasting dust from the site. He also complained of noise from the facility, the high rate of speed of barges and boats in the intracoastal canal, and the sharp turns in the canal in his neighborhood. He said that he had complained to the Coast Guard and the Army Corps of Engineers about these problems.

During this investigation winds were variable. Initially winds were west, northwesterly, at 5-10 mph. They switched to a southeasterly direction at 10-12 mph at about 1:00 p.m. I was at the complainant's residence and general area for approximately 2 hours. I could observe and hear painting and sandblasting operations. I did not detect any significant odors during this period nor did I find any evidence of significant dust on vegetation, window sills, or an unused, parked vehicle.

I discussed this complaint with R. E. Erickson, Marine Production Supervisor, at the Fish Engineering facility. He said that he and Mr. Tom Randolph, Manager of Marine Operations, at this facility had talked with the complainant on 4/22/87 about dust from sandblasting operations going on that day. He said that he and Mr. Randolph had gone over to the complainant's residence at his request. They did not consider the dust significant but agreed to stop operations until wind direction changed. Mr. Erickson said the complainant also complained to them of late night and early morning noise from the facility.

Conclusion: I did not find nuisance conditions from dust or odors created by operations at the Fish Engineering barge cleaning facility. This facility is scheduled for a SIP investigation on May 21, 1987 at that time dust and odor producing operations will be addressed again.

Larry Priddy
Larry Priddy

Environmental Quality Specialist
Region 7

LP/als

T&E 000702

TOM DELAY
22D DISTRICT, TEXAS
CHIEF OF STAFF
CHIEF REGIONAL WHIP
COMMITTEE ON
APPROPRIATIONS
SUBCOMMITTEES:
TRANSPORTATION
MILITARY CONSTRUCTION

1038 LONGWORTH HOUSE OFFICE BUILDING
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Congress of the United States
House of Representatives
Washington, DC 20515

May 20, 1987

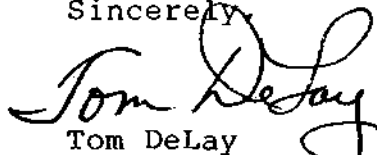
Mr. Bob Casale

Dear Mr. Casale:

I have now received a reply to my inquiry on your behalf, from the Environmental Protection Agency. I am enclosing a copy of the letter for you.

You will find the correspondence self-explanatory. After reading it, please let me know if you have any further questions or if I can help in any other way.

Sincerely,


Tom DeLay
Member of Congress

TD/jt
Enclosure

T&E 000779



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI

ALLIED BANK TOWER AT FOUNTAIN PLACE

1445 ROSS AVENUE

DALLAS, TEXAS 75202

MAY 11 1987.

Honorable Tom DeLay
Member, United States House
of Representatives
500 North Chenango, Suite 312
Angleton, Texas 77515

Dear Mr. DeLay:

Thank you for your letter on behalf of Mr. Bob Casale who sent you a copy of his inquiry to the United States Coast Guard concerning barges in the Intracoastal Waterway near Freeport, Texas. I have reviewed the situation and offer the following information.

Although the Environmental Protection Agency (EPA) does not have jurisdiction over damages resulting from barges ramming into embankments or piers, EPA does have some authority over water pollution problems in the Intracoastal Waterway. The Water Quality Act of 1987 (formerly the Clean Water Act) prohibits discharges into United States waters from any facility unless that facility has applied for a National Pollutant Discharge Elimination System (NPDES) permit from EPA. This NPDES requirement applies to purposeful discharges from a barge such as washing out a tank, washing spilled material off the deck, or pumping out a tank. Incidental discharges from vessels, such as rainwater, are exempt from the NPDES requirement. If Mr. Casale observes a purposeful discharge as described above and believes the operation has not applied for an NPDES permit, he may report the incident to our NPDES Enforcement Branch at (214) 655-6450. In order for an investigation to be made, Mr. Casale must be able to provide clear, detailed identifying information when reporting the incident.

Should a barge experience an accidental spill incident, the responsible party should report the incident to the National Response Center (NRC) at 1-800-424-8802 for investigation by the United States Coast Guard. However, should Mr. Casale observe an accidental spill incident, he may report it to NRC, also.

With regard to air pollution from barges airing out their hatches, there are no State or Federal air pollution control regulations applicable to barges. However, the Texas Air Control Board's (TACB) regulations to

T&E 000780

control emissions of Volatile Organic Compounds is applicable to stationary sources located in Mr. Casale's area involved in cleaning barges. Over the past few years, the TACB has received a few complaints about one particular source that cleans and airs barges using sandblasting and painting in the cleaning process. The TACB inspects this facility every two years and has no record of a violation of applicable regulations.

I appreciate knowing of your concern, and I hope this information is helpful to you. Please let me know if I may be of further assistance.

Sincerely yours,

/s/ Frances M. Phillips Feb

Robert E. Layton Jr., P. E.
Regional Administrator

cc: Texas Air Control Board

BOLDFACED ITEMS ARE REQUIRED

PHS
8/26/87

DISTRIBUTION:

White - Region/Local Program
Canary - Keypunch/Region
Pink - Investigator/Keypunch

- ☒ Add
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INVESTIGATION FORM
Basic Information

Account Number B400164 Account Name: Fish Engineering and Construction, Inc.
Date of Investigation (as MMDDYY) 052187 Off Hours (Y or N) N
Investigator Staffcode LRP1
Primary Investigator Juriscode 070 Other Juriscode 1 --- Other Juriscode 2 ---
Site Name/Location: Freeport, Brazoria County

Investigation Information

Investigation Number 330613A
Related Previous Investigation Number _____
Situation Number _____ (FOR COMPLIANCE DIVISION ONLY)
Federal Program (Y or N): NSPS N NESHAP N
*Investigation Type ANBI In-House Investigation (Y or N) N **EPN _____
Comment _____

*** FOR RECORDING REVIEWS OF COMPANY-SUBMITTED REPORTS ONLY ***

Date Test Conducted _____ (as MMDDYY) Date Report Received _____

*Analysis Review Results _____

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Related Previous Investigation Number _____
Situation Number _____ (FOR COMPLIANCE DIVISION ONLY)
Federal Program (Y or N): NSPS _____ NESHAP _____
*Investigation Type _____ In-House Investigation (Y or N) _____ **EPN _____
Comment _____

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*Investigation Type _____ In-House Investigation (Y or N) _____ **EPN _____
Comment _____

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Date Test Conducted _____ (as MMDDYY) Date Report Received _____

*Analysis Review Results _____

*See Back for Valid Codes

**Enter EPN For Investigation Types Indicated On Back With An *

Investigator Signature: Larry Pridde

Date: 7/7/87

Approved By: L. Steven Taylor

Date: 8/26/87

Screen ID: IV1

Page 1 of 4 Pages

TACB Form # ACB-93

T&E 000703

I. Introduction and Summary

A. Introduction

On May 21, 1987 the SIP investigation was conducted at Fish Engineering and Construction, Inc. in Freeport. Mr. Tom Randolph, Marine Operations Manager, provided information and a facility tour.

B. Summary

This facility appears to be operating in compliance with all applicable Board rules and regulations.

Mr. Randolph and I discussed this facility's future plans to install and operate a marine fueling depot. Plans were not firm at this time, but Mr. Randolph anticipated having three, 40,000 gallon diesel storage vessels and associated equipment to fuel marine vessels along the intracoastal waterway. We discussed Board Standard Exemption No. 14 dealing with equipment used exclusively to store and dispense motor fuels into marine vessels or other watercraft. I suggested that Mr. Randolph contact Vick Newsom at this office and discuss the project with him when their plans were complete and he stated that he would.

II. Process Description

The Fish-Freeport Marine facility is for the repair and cleaning of cargo-carrying barges. The repair of barges usually requires cleaning of the barges' tanks by washing and gas-freeing to enable work crews to cut and weld in safety. On the average, one barge is cleaned every three days and requires 9,000 gallons of water for proper cleaning. In exceptional cases 25,000 gallons can be required to wash a large barge. About 4 percent of the barges washed have a carrying capacity of 88,000 barrels, 18 percent have a capacity of about 20,000 barrels and the remaining 78 percent have a capacity of about 10,000 barrels. Gas-freeing a large 20,000 barrel barge takes 4 to 8 hours while for a 10,000 barrel barge the gas can be removed from the tanks in 2-3 hours.

Before washing can take place, any remaining heel of product is pumped out and stored in the product storage tanks. The pumping (called stripping) is done by a portable air-operated pump which uses a flexible hose to reach into the barges' tank sumps. On the average, a barge has 3 to 6 tanks with 50 gallons of heel in each tank sump. Periodically the storage tanks are emptied into trucks and the contents sold for fuel or chemical use. About one barge in 20 requires stripping before washing begins.

Investigator's Comments
Fish Engineering and Construction, Inc.
Freeport, Brazoria County
Investigation No. 330613A

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Mr. Randolph stated that they now clean and repair about 100 barges per year. The following is a list of barge cargoes at this facility: Naphtha, Catalytic Reformer Fuel Oil, Gas Oil, Benzene, Xylene, Toluene, Cyclohexane, Hydrochloric acid, Niox Polyol, Chlorine, Acetic acid, Methyl ethyl Ketone, and Vinyl acetate.

In addition to cleaning, repairing some of the barges involves sandblasting and painting. Mr. Randolph estimated that 100-125 tons/year of sand is used in sandblasting and approximately 1000 gallons per year of paint is used.

III. Compliance Status with Applicable Board Rules and Regulations

A. General Rules (Chapter 101)

Rule 101.4 = In Apparent Compliance (IAC). This facility has been subject to periodic odor, smoke and sandblasting dust complaints. Although there have been no confirmed nuisance complaints, this facility does have a high potential for creating nuisance conditions. This high potential was discussed with Mr. Randolph who said that he and his employees are cognizant of wind direction and the type of work being done.

Rules 101.6/.7 = In Compliance (IC). Mr. Randolph is aware of upset and maintenance reporting requirements.

Rule 101.20 = IAC. NESHAP regulations concerning asbestos and benzene were discussed with Mr. Randolph. He said that there may be some asbestos associated with piping to and from the hot water heater (H-1), but only a small amount.

He said that they clean about 10 benzene barges per year and at the most pump 300 gallons of heel from each. This amount exempts this facility from Subpart J = National Emission Standard for Equipment Leaks of Benzene. Records are kept of the number of benzene barges cleaned and repaired.

Rule 101.24 = IAC. Inspection fees are not applicable to this facility.

Regulation I (Chapter 111)

Rule 111.1 = IC. Outdoor burning is not conducted at this facility.

Rule 111.52 = IAC. Sandblasting dust has not been found at nearby residences during past investigations and property line sampling does not appear appropriate at this time.

Investigator's Comments
Fish Engineering and Construction, Inc.
Freeport, Brazoria County
Investigation No. 330613A

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5/21/87
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Regulation IV (Chapter 114)

Rule 114.1 = IC. This regulation was discussed with Mr. Randolph.

Regulation V (Chapter 115)

Rule 115.101 = IAC. Mr. Randolph said the following tanks are in use:

| <u>Material</u> | <u>Capacity</u> | <u>Control</u> |
|-----------------|-----------------|--------------------|
| Gasoline | 4,000 gal. | Submerged Fillpipe |
| Gasoline | 3,000 gal. | Submerged Fillpipe |
| Diesel | 1,200 gal. | Submerged Fillpipe |
| Miscellaneous | 3,000 gal. | Submerged Fillpipe |
| Miscellaneous | 1,000 gal. | Submerged Fillpipe |
| Washwater | 18,000 gal. | Topfill |
| Slop Oil | 40,000 gal. | Submerged Fillpipe |

Rule 115.111 = IC. The maximum average VOC throughput (using barges/year and 300 gallons of VOC heel) is 30,000 gallons/year and therefore falls below the 20,000 gallon/day throughput requirements. Barge loading/unloading is exempt at any rate under Rule 115.112.

Rule 115.134 = IC. Total gasoline use is about 5000 gallons per year and therefore exempt.

Rule 115.141 = IC. This facility has no oil/water separator.

Rule 115.191 = Total paint usage is about 1,000 gallons/year. This facility is exempt under Rule 115.193(C)(4) concerning exteriors of marine vessels.

Regulation VI (Chapter 116)

Rule 116.1/.4 = IC. This facility received TACB Permit Exemption X=3561 in 5/8/82 for a barge cleaning facility expansion. Due to economic conditions tankage increases did not occur; however, the hot water heater (H=1) was installed and records concerning this heater's use are kept.

Larry Priddy
Larry Priddy
Environmental Quality Specialist
Region 7

LP/als

Revised 9/22/86

BOLDFACED ITEMS ARE REQUIRED

AKS
9/30/87
DISTRIBUTION:

White - Region/Local Program
Canary - Keypunch/Region
Pink - Investigator/Keypunch

- ☒ Add
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INVESTIGATION FORM
Basic Information

Account Number B1018V Account Name: Fish Engineering
Date of Investigation (as MMDDYY) 090287 Off Hours (Y or N) N
Investigator Staffcode R121
Primary Investigator Juriscode 020 Other Juriscode 1 --- Other Juriscode 2 ---
Site Name/Location: ---

Investigation Information

Investigation Number 33 09740
Related Previous Investigation Number ---
Situation Number --- (FOR COMPLIANCE DIVISION ONLY)
Federal Program (Y or N): NSPS NESHAP
* Investigation Type 003V In-House Investigation (Y or N) N **EPN
Comment COMPLAINT 038700274, UNCONFIRMED

*** FOR RECORDING REVIEWS OF COMPANY-SUBMITTED REPORTS ONLY ***

Date Test Conducted --- (as MMDDYY) Date Report Received ---

*Analysis Review Results ---

Investigation Information

Investigation Number ---
Related Previous Investigation Number ---
Situation Number --- (FOR COMPLIANCE DIVISION ONLY)
Federal Program (Y or N): NSPS NESHAP
* Investigation Type --- In-House Investigation (Y or N) --- **EPN
Comment ---

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Date Test Conducted --- (as MMDDYY) Date Report Received ---

*Analysis Review Results ---

*See Back for Valid Codes

**Enter EPN For Investigation Types Indicated On Back With An *

Investigator Signature: Robert C. Boulton Date: 9/10/87

Approved By: Steven Taylor Date: 9/28/87

Screen ID: IV1 Page 1 of 3 Pages

TACB Form # ACB-93

T&E 000707

Investigator's Comments
Fish Engineering and Construction, Inc.
Freeport, Brazoria County
Investigation No. 330974A


BL-0118-V
9/2/87
Page 3

Complaint No. 078700274 was received at approximately 2:00 p.m. on 9/1/87. Brazoria County Health Department referred the call; they received it at 1:45 p.m. The complainant alleged that unspecified nuisance conditions were being caused by sandblasting and barge cleaning at the Fish Engineering facility on Marlin Lane in Freeport. An attempt was made to contact the complainant; his answering machine referred me to another number which, when called, referred me to the first number.

On 9/2/87 I again call both phone numbers, with the same results; I then drove to Freeport. At 10:30 a.m. I arrived on Marlin Lane and observed sandblasting was occurring at Fish Engineering. The dust was blowing to the southwest but was not affecting either Marlin or Snapper Lanes, the two adjacent roads. The complainant was not home. No odors were detected around the residence; no excessive dust buildups were noted at the house. I did note that the corner of the home closest to the Fish Engineering facility appeared to be slightly dirtier than other areas of the exterior; this did not appear to be just dust but a great number of spider webs and other debris as well. I left a card advising the complainant I'd been by and drove to Fish Engineering.

I met with Mr. Tom Randolph, Marine Operations Manager, at 11:15 a.m., explaining to him why I was at the site. Mr. Randolph stated they had been sandblasting on the 1st and had cleaned a barge containing styrene as well, possibly around the time of the complaint. Mr. Randolph said they were aware of the concerns of the complainant and routinely restricted their activities when the winds were from the 15 degree arc that placed the residential area downwind of their facility. Mr. Randolph said the barge cleaning was done during a predominantly easterly wind, which would have blown any odors away from the complainant. Mr. Randolph was most adamant about the care they took to reduce the potential for emissions of odorous compounds or dust from impacting the complainant. I then left.

Upon my return to the office, I found the complainant had called while I was enroute from Freeport. I called him back and advised him of the results of my investigation at Fish. The complainant said he was affected whenever the wind shifted at all to the north and alleged a neighbor was also impacted. I urged the complainant to advise his neighbor to call the TACB directly and suggested he do so if ever he noted nuisance conditions again.


Robert Roulston
Environmental Quality Specialist
Region 7

RR/als

000708

Inter. # 16-8
Group III
S

Investigator's Comments
Fish Engineering and Construction, Inc.
Freeport, Brazoria County
Investigation No. 330974A

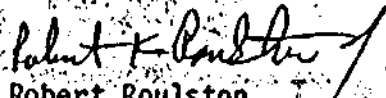
BL-0118-V
9/2/87
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Robert Roulston
Environmental Quality Specialist
Region 7

RR/als

T&E 000782

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Fish Engineering and Construction, Inc.
Freeport, Brazoria County
Investigation No. 330974A

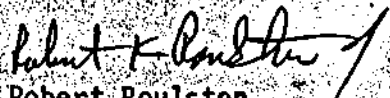
BL-0118-V
9/2/87
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Robert Roulston
Environmental Quality Specialist
Region 7

RR/als

T&E 000175